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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,130	07/08/2003	Kiyoshi Takezawa	46449.0002	2400

7590 01/14/2005

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EXAMINER

BURNHAM, SARAH C

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 01/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/614,130

Applicant(s)

TAKEZAWA ET AL.

Examiner

Sarah C. Burnham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13 is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 7, 9-11 are rejected under 35 U.S.C. 103(b) as being anticipated by Lhuissier et al. (5,641,204) in view of Maruyama (4,718,718). With respect to claim 1, Lhuissier et al. discloses a seat (1) comprising: a pad assembly (3) having a main portion (unlabeled) and side portions (8), the main portion being interposed between the side portions (8), the side portions including boundary portion pulling slots (9) wherein boundary portion insert wires (11) are disposed along bottom portion (unlabeled) of said boundary portion pulling slots (9), and the main portion (unlabeled) including a main portion pulling slot (10) disposed substantially perpendicular to the boundary portion pulling slots (9); a cover assembly (20) covering a surface (4)(6) of the pad assembly (3), the cover assembly (20) including boundary portion pulling strips (26) pulled into the boundary portion pulling slots (9) and a main portion pulling bag (27) (given that it is a "sheath" as described in column 4, line 57) pulled into the main-portion pulling slot (10), wherein boundary portion end wires (30) are stitched onto said boundary-portion pulling strips (26) and fixed to said boundary portion insert wires (11) by way of rings (29); and a main-portion end wire (32) inserted into the main portion pulling bag (28), the main

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portion end wire (32) having opposite end portion bent (33), the main-portion end wire (32) being placed into the main-portion pulling slot (10) with the bent opposite end portion (33) linked with the boundary-portion end wires (30) respectively.

With respect to claim 2, each of said boundary portion end wires (30) stitched onto said boundary portion pulling strips (26) is a single wire.

With respect to claim 3, said main-portion end wire (32) hangs said main portion pulling bag (27) into said main portion pulling slot (10) by bending reaction force generated by bending said opposite end portions (33) of said main portion end wire (32).

With respect to claim 7, each of said boundary-portion end wires (30) is formed from a single wire, wherein said bent opposite end portions (33) of said main-portion end wire (32) are linked with intermediate portions (unlabeled) at holes (28) (see figure 3) of said boundary portion end wires (30) respectively.

With respect to claim 9, said at least one insert wire (11) is formed from a U-shaped single wire in that it is an embedded "stiff metal wire 11 which follow the outline of the three slots 9 and 10" (column 3, lines 27-28).

With respect to claim 10, Lhuissier et al. discloses a seat (1) comprising: a pad assembly (3) having a plurality of pulling slots (9)(9)(10) extending in directions crossing one another; and a cover assembly (20) having a plurality of pulling strips and bags (26)(26)(27) pulled into said pulling slots (9)(9)(10) correspondingly and respectively so that said cover assembly (20) covers a surface (4)(6) of said pad assembly (3); wherein at least one insert wire (11) is embedded in bottom portions of said pulling slots

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(9)(9)(10), while end wires (30)(32) are inserted into all of said pulling strips and bags (26)(26)(27); and wherein opposite end portions (33) and (unlabeled) of said end wire (32) inserted into said pulling bag pulled into said at least one pulling slot (10) are bent (see figure 3), said bent opposite end portions (33) are linked with said end wires (30) of said pulling bags (26)(26) pulled into said pulling slots (9)(9) other than said at least one pulling slot (10), and when said end wire (32) with said bent opposite end portions (33) linked is forced into said at least one pulling slot (10), said pulling bag (27) having said end wire (32) inserted thereto is pulled into said at least one pulling slot (10).

With respect to claim 11, said at least one insert wire (11) is formed from a U-shaped single wire in that it is an embedded "stiff metal wire 11 which follow the outline of the three slots 9 and 10" (column 3, lines 27-28).

Lhuissier et al. discloses all claimed elements with the exception of boundary portion pulling bags into which a wire can be inserted.

Mayuyama teaches the use of boundary portion pulling bags (15).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to modify the boundary portion pulling strips (26) disclosed by Lhuissier et al. into a loop like structure disclosed by Mayuyama. Such a modification would ensure that a damaged wire could be removed from the cover without destroying the cover.

3. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lhuissier et al. (5,641,204) in view of Maruyama. Lhuissier et al. reveals all claimed

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elements with out specifically stating that main-portion end wire is made from an elastic material. With respect to claims 4-6, the main-portion end wire (32) is a "stiff metal wire rod" (column 4, line 57) which inherently will bend and then return to its original shape under reasonable loads. It would have been obvious to assume that the wire (32) was made of an elastic material because an elastic force in the wire (32) must be present in order to create some tension in the connection between the seat pad (3) and the cover (20).

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lhuissier et al. (5,641,204) in view of Maruyama and in further view of Mundell et al. (4,337,931). As disclosed above, Lhuissier et al., as modified, disclose all claimed elements with the exception of at least one insert wire comprises two insert wires.

Mundell teaches the use of two insert wires (10) located below slots (46) formed in seat cushion padding (38).

It would have been obvious to one of ordinary skill in the art at the time of the instant invention to use at least two insert wires as taught by Mundell in the seat assembly revealed by Lhuissier et al., as modified. Such a modification would ensure that if one of the insert wires were to break, the cover assembly 20 would still be tightly pulled into the seat by the attachment to the second wire.

***Allowable Subject Matter***

5. Claim 13 is allowed.

6. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Amendment/Arguments***

7. The amendment filed on November 9, 2004 has been considered in its entirety. Remaining issues are detailed in the sections above. In light of the new grounds of rejection set forth above, this action is made NON-FINAL. In light of the new grounds of rejection set forth above, the arguments with respect to the demonstration of a "bag" like structure by Lhuissier et al. are moot. In this instant rejection, Maruyama is relied upon for its teaching of a bag like structure.

Applicant argues that the method of connecting the boundary portion end wires and the main portion end wire is different in the prior art. However, the claims do not recite the connection method with specificity and simply state that the wires are "linked." The Examiner believes that the wires disclosed by Lhuissier et al. are in a linked configuration.

### ***Conclusion***


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sarah C. Burnham whose telephone number is 703-305-7315. The examiner can normally be reached on M-Th 7:30 am - 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SCB  
January 7, 2005

  
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